

**RESOLUTION NO. 1221 -2010, ADOPTING LOCAL LAW  
NO. -2010, A LOCAL LAW TO ENSURE THE SAFE  
USE OF AIR GUNS IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on September 16, 2010, a proposed local law entitled, "**A LOCAL LAW TO ENSURE THE SAFE USE OF AIR GUNS IN SUFFOLK COUNTY**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ENSURE THE SAFE USE OF AIR GUNS IN  
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that air guns discharge small caliber ammunition and pellets propelled by air or compressed gas.

This Legislature also finds and determines that thousands of people throughout Suffolk County, including many minors, own and use air guns.

This Legislature further finds and determines that air guns are not classified by the State of New York as weapons.

This Legislature finds that air guns vary widely in velocity and power, with some air guns firing strongly enough to be used for hunting.

This Legislature determines that improper or reckless use of air guns can cause serious injury or even death.

This Legislature also finds that persons under the age of twenty (20) are the most frequent victims of air gun injuries.

This Legislature further finds that the Towns of Babylon, Huntington, Smithtown and Brookhaven, as well as the Villages of Patchogue, Southampton, Babylon and Port Jefferson, have enacted legislation regulating the use of air guns.

This Legislature determines that these Towns and Villages in Suffolk County join municipalities and nineteen states across the nation in regulating air guns.

This Legislature also determines that Suffolk County should regulate the use of air guns in residential areas to ensure the safety of all County residents, especially the County's youth.

Therefore, the purpose of this law is to prohibit the discharge of any air gun within one hundred fifty (150) feet of any residence in Suffolk County.

## **Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

“AIR GUN” shall mean any rifle, pistol or shot gun which discharges .20 caliber or greater metal pellets, propelled by compressed air or other compressed gas, at a muzzle velocity of 700 feet per second or greater.

“PERSON” shall mean any natural individual.

## **Section 3. Prohibitions.**

No person shall discharge an air gun within one hundred fifty (150) feet of any residential dwelling in Suffolk County.

## **Section 4. Exception.**

This law shall not apply to any person discharging an air gun on their own property toward a target or other location within the boundaries of their property.

## **Section 5. Penalties.**

Any person found violating this law will be guilty of a violation and subject to a penalty of not more than two hundred fifty dollars (\$250.00).

## **Section 6. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

## **Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

## **Section 8. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK

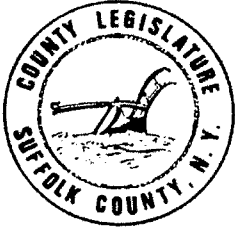
ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 9. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: December 21, 2010 \*\*NOT ADOPTED\*\*

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I*, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 21, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

*Tim Laube*

Clerk of the Legislature

Intro. Res.

Res. No.

December 21, 2010

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE		/			
2	Jay H. SCHNEIDERMAN		/			
3	Kate M. BROWNING	/				
4	Thomas MURATORE		/			
6	Daniel P. LOSQUADRO		/			
7	Jack EDDINGTON	/				
9	Ricardo MONTANO		/			
10	Thomas CILMI		/			
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY		/			
15	DuWayne GREGORY	/				
16	Steven H. STERN		/			
17	Lou D'AMARO		/			
18	Jon COOPER		/			
5	Vivian VILORIA-FISHER, D.P.O.		/			
8	William J. LINDSAY, P.O.	/				
Totals		6	12			

**MOTION**☒ Approve

\_\_\_ Table:\_\_\_

\_\_\_ Send To Committee

\_\_\_ Table Subject To Call

\_\_\_ Lay On The Table

\_\_\_ Discharge

\_\_\_ Take Out of Order

\_\_\_ Reconsider

\_\_\_ Waive Rule \_\_\_

\_\_\_ Override Veto

\_\_\_ Close

\_\_\_ Recess

APPROVED\_\_\_

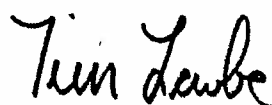
FAILED ☒

No Motion\_\_\_

No Second\_\_\_

**RESOLUTION DECLARED**

\_\_\_ ADOPTED

☒ NOT ADOPTED


Tim Laube, Clerk of the Legislature

Roll Call ☒ Voice Vote\_\_\_